



## BOARD OF PUBLIC WORKS & SAFETY JANUARY 20, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 6:00 p.m.

<b>PRESENT:</b>	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved that the minutes of January 6<sup>th</sup> be accepted as presented. Second was by Mr. Hoover. Vote: Ayes.

John Grimes of Projects Plus came forward to request acceptance and execution of one (1) plat over drainage easement and four (4) sanitary sewer plat over easements for The Trails at Woodfield, Section 2. Mr. Peoni confirmed that the Engineering Department has reviewed the easements and the Law Department prepared the documents. He indicated that everything is in order. Mr. Hoover moved to accept the sanitary sewer easements and the drainage easement as described and execute the same. Second by Mr. Beville. Vote: Ayes.

Mr. Grimes had the same type of request for Southern Pines, Section 3, regarding a drainage easement. Mr. Beville moved to accept and execute the drainage easement subject to Engineering and Law Department review. Second by Mr. Hoover. Mr. Peoni confirmed that the one (1) plat over drainage easement has been through the process and everything is in order. Vote: Ayes.

For Crooked Bend, Section 5A, Mr. Grimes requested acceptance of performance bonds for street signs and monuments, the asphalt street surface, and sidewalks; acceptance of maintenance bonds for earthwork, storm sewers, sanitary sewers, asphalt base and binder and concrete curbs; and execution of the plat. Mr. Peoni told the Board that all items being asked for acceptance have been inspected in the field and appear to have been satisfactorily installed. The 1/3 SAF fee has been paid, along with all Inspection & Testing fees. The original letters-of-credit were just received before the meeting and will need to be reviewed. The plat also needs minor revisions, said Mr. Peoni. Mr. Hoover, per Mr. Peoni's memo of January 20<sup>th</sup>, moved to:

- 1) Accept the sanitary sewers at Crooked Bend Subdivision, Section 5A.
- 2) Accept three (3) year maintenance bond #5015305 from Bond Safeguard Company in the amount of \$29,101.98 for the sanitary sewers at Crooked Bend Subdivision, Section 5A.
- 3) Accept the stone base, asphalt base and asphalt binder and concrete curbs (streets) at Crooked Bend Subdivision, Section 5A.
- 4) Accept three (3) year maintenance bond #104443932 from United States Fidelity and Guaranty Company in the amount of \$14,282.40 for the stone base, asphalt base, asphalt binder at Crooked Bend Subdivision, Section 5A.
- 5) Accept three (3) year maintenance bond #RSB4066786 from RLI Insurance Company in the amount of \$5,280 for the concrete curbs at Crooked Bend Subdivision, Section 5A.
- 6) Accept performance Letter-of-Credit #04-05 from Irwin Union Bank in the amount of \$9,968.75 for the installation of the asphalt surface at Crooked Bend Subdivision, Section 5A.
- 7) Accept the dirtwork and storm sewers at Crooked Bend Subdivision, Section 5A.
- 8) Accept three (3) year maintenance bond #5015306 from Bond Safeguard Insurance Company in the amount of \$25,917.60 for the dirtwork and storm sewers at Crooked Bend Subdivision, Section 5A.
- 9) Accept performance Letter-of-Credit #03-05 from Irwin Union Bank in the amount of \$38,175.50 for the installation of the sidewalks at Crooked Bend Subdivision, Section 5A.
- 10) Accept performance Letter-of-Credit #02-05 from Irwin Union Bank in the amount of \$1,380.50 for the installation of the signs & monuments at Crooked Bend Subdivision, Section 5A.

- 11) Execute the offsite plat-over sanitary sewer easement.
- 12) Execute the plat, all subject to:
  - a) Review and approval of all original letters-of-credit.
  - b) Final review and approval of the plat over easement and the revised plat by the Engineering and Planning departments.

Second by Mr. Beville. Mr. Peoni noted that the plat over sanitary sewer easement is in order. Vote: Ayes.

From the audience Tony Haslinger of Regency Centers came forward regarding their waiver request that was sent back to the Plan Commission at the Board's last meeting. He was accompanied by Mike Fletcher of Lawyers Title. The City Attorney reported that they were granted the waiver of the requirement that all infrastructure must be in before the plat can be recorded. They can close once the Board approves the plat. Regency Centers had the understanding that once they got the approval the Board would consider the plat and there would have to be performance guarantees. Mr. Peoni told the Board that he had discussed revisions that were needed on the plat with their engineer late this afternoon and they are to be working on those. They will probably meet with City engineering personnel tomorrow. Mr. Hoover moved to accept the plat and execute the same, subject to final review and approval by the Engineering Department, as well as all conditions of the Plan Commission being met, and approval of the performance guarantees by the Engineering and Law Departments. Mr. Peoni confirmed that the amounts are correct. Second by Mr. Beville. Vote: Ayes. Mr. Hoover then moved to accept the Inspection & Testing Agreement and ratify the acceptance of the check for same. Second by Mr. Beville. Vote: Ayes.

Attorney Joe Van Valer came forward concerning Paragon Steak House, who no longer own Carver's. Mr. Van Valer noted that two performance bonds were posted in 1995: one for dirtwork and storm sewers (\$30,000) and the other for sidewalks (\$2,800). His client would like them released. Mr. Van Valer asked for relief from posting three-year maintenance bonds, as the original bonds have been in place for ten years. Mr. Peoni noted that the dirtwork and storm sewers would not have required a maintenance guarantee as they are private improvements. The performance guarantee was required to ensure the improvements were installed in reasonable compliance with the plans. Mr. Hoover moved to release the performance bonds and waive the requirement for the maintenance bond on the sidewalks, subject to Engineering Department's inspection of the improvements, that they are satisfied that a maintenance bond is no longer necessary. Second by Mr. Beville. Vote: Ayes.

Sanitation Billing Office Manager Arnie Kaptain came forward to discuss the proposed 2005 Sanitation Billing budget and asked if the Board had questions. Mr. Hoover moved to approve the 2005 budget for the Sanitation Billing Office. Second by Mr. Beville. Vote: Ayes.

Mayor Henderson stated that he had also reviewed the proposed 2005 Sanitation Field budget with the Sanitation Superintendent and the Director of Operations and was comfortable with it. Mr. Beville moved to approve the 2005 Sanitation Field budget. Second by Mr. Hoover. Vote: Ayes.

Ms. Koons-Davis told the Board she had drafted a resolution to formally establish the safety committee and to adopt an on-the-job injury illness/review guidelines policy and the forms that will be used to implement the policy. Human Resources Director Carolyn Gaier told the Board that the safety committee has been formed for a couple of years and has worked on a safety handbook. They have been reviewing on-the-job injuries. Co-chairman John Brinkman discussed these injuries and whether they were found to be preventable. The committee is looking to keep these injuries from re-occurring. In response to the Mayor, John said that having members from each department in the City on the committee gives better insight on the equipment and other areas that may cause problems. He told the Board that typically their meetings have been limited to one hour per month and they have been able to accomplish their goals within that time. Ms. Gaier told the Board that having a safety committee was a help when we requested insurance bids. This led to discussion on the procedure the safety committee has been following. Mr. Hoover moved to adopt Greenwood Board of Public Works & Safety Resolution No. 05-01 as discussed. Second by Mr. Beville. Vote: Ayes. Motion carried. At counsel's recommendation, Mr. Hoover moved to ratify any actions that the safety committee has taken to this date. Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, Mr. Peoni first presented Inspection & Testing Agreements for Crooked Bend, Section 5B, both for sanitary sewer and for all other improvements. Mr. Beville moved to accept these Inspection & Testing Agreements as discussed and ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

Bainbridge and South Lake at Bainbridge, Section 1, also had Inspection & Testing Agreements for both sanitary sewer and all other improvements. Mr. Beville again moved to accept these Inspection & Testing Agreements and ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

Ms. Gaier came forward to discuss the invoice for our workers' comp insurance. She had a packet from Gregory & Appel and went first to the loss summary from 1993. She pointed out that there were 43 injuries in 2003 with the total paid out at \$46,868. In 2004, with the help of the department heads and the safety committee, she noted that the number of injuries was 25, with a pay out of \$20,925. She called it a great improvement. David Stace of Gregory and Appel discussed the workers comp policy. He thanked the Board for passing the resolution. The policy renews on February 1<sup>st</sup> and will increase from \$82,436 to \$98,700. There are three reasons, said Mr. Stace. First, there is an increase in the overall payroll. Experience modification has changed from .75 for 2004 to .84 for 2005, which means only 16% off the rate instead of 25%. Also, some of the workers compensation class rates have increased for several payroll classifications. Mr. Stace told the Board he had received quotes from Accident Fund and two other companies. Employers Security gave a price of \$138,000, with a \$5,000 per claim deductible. Mr. Stace also estimated the cost of Indiana Public Employers plan at \$198,000, based on the rate that they use for other municipalities. Greenwood's average rate is \$.96 per \$100 of payroll. He compared three other cities and found one over \$1 and the other two over \$2. Mr. Beville moved to accept the proposal for workers compensation insurance for the City with Accident Fund. Second by Mr. Hoover. Vote: Ayes.

Ms. Gaier next discussed the change in the definition of "Exempt" in the Fair Labor Standards Act. She, working with department heads and employees, has determined positions that might be determined to be exempt: the Building Commissioner, the Fleet Maintenance Superintendent, the Assistant Director of Recreation in Parks and the Youth Activities Administrator for Parks. She recommends that the first two positions become exempt effective 1/24/05 and that the Parks positions be approved so that the Parks Board can determine an effective date. The City Attorney and Human Resources Director have discussed these positions with department heads. Mr. Hoover moved to adopt the recommendation that the Building Commissioner and the Fleet Maintenance Superintendent become exempt positions effective 1/24/05 and that the Assistant Director of Recreation and the Youth Activities Administrator also be exempt positions, with the effective date to be determined by the Parks Board. Second by Mr. Beville. Ms. Gaier told the Board that when the Fair Labor Standards Act changed its definition of "Exempt" last July she sent to department heads the job descriptions currently determined to be exempt. She recounted that Parks employees went to the Executive Director and requested review of their positions because they feel they would have more flexibility if they could be determined to be exempt. The Planning Director suggested that the Building Commissioner be exempt, she added, and the Fleet Maintenance Superintendent told her that he feels he should be exempt morally and ethically; that his job does not warrant overtime. The Director of Operations approved that. Vote: Ayes.

Director of Operations Norm Gabehart discussed a warrant from the Indiana Department of Revenue for collection of tax for the underground storage tanks for the years 1991 and 1992. The State has agreed to waive the interest for these liabilities; Mr. Gabehart is awaiting written confirmation of the phone call he received. Mr. Hoover moved to accept the compromise negotiated by the Director of Operations for the satisfaction of the two tax warrants. Second by Mr. Beville. Mayor Henderson said he would agree to pay but under protest. Ms. Koons-Davis said any appeal would have to go before the State Board of Tax Commissioners. Vote: Ayes – Beville, Hoover; Nay – Mayor. Motion carried. Mr. Gabehart said it is their intent to make payment out of Sanitation Field.

Mr. Gabehart next presented an application for payment from Atlas Excavating for work on the Eastside Interceptor, Phase 2A. This relates to a previous change order, he stated. The consultant and staff have reviewed the claim, and have agreed on the quantities. Mr. Beville moved to approve payment of the Atlas claim for \$220,934.66 as discussed. Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through January 20<sup>th</sup>. Second by Mr. Hoover. Vote: Ayes.

The Mayor announced that the State of the City address is January 25<sup>th</sup> at Valle Vista. Those who attend should notify the Chamber of Commerce or his secretary so they can have a count.

With no further business, the meeting adjourned at 7:00 p.m.